

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the Forty-first Legislature at its First Called Session passed Senate Bill No. 55, being "AN ACT to authorize the Board of Control by and with the Consent of the Governor, to select and set aside so much of the lands of the Texas Penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, except lands heretofore set aside to the Agricultural and Mechanical College for reforestation purposes, and to authorize the Board of Control by and with the consent of the Governor to sell and dispose of any of the remainder of the lands situated in Cherokee County and formerly belonging to the Texas Penitentiary System, and to authorize the Board of Control by and with the consent of the Governor to lease any and all of said lands owned by the State in Cherokee County for the purpose of prospecting for oil, gas and other minerals, except lands heretofore set aside to the Agricultural and Mechanical College for reforestation purposes, and declaring the action of prison commissioners heretofore deeding and leasing land to L. P. Featherstone to be void and declaring same lands to be the property of the State and setting same aside for the benefit of Rusk State Hospital, repealing all laws and parts of laws in conflict with this Act; and declaring an emergency"; and,

WHEREAS, said Bill has been vetoed for the reasons set out in the following statement, which has been filed with said Bill in the office of the Secretary of State:

The attached Bill, being Senate Bill No. 55, "AN ACT to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the Texas Penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, except lands heretofore set aside to the Agricultural and Mechanical College for reforestation purposes, and to authorize the Board of Control by and with the consent of the Governor to sell and dispose of any of the remainder of the lands situated in Cherokee County and formerly belonging to the Texas Penitentiary System, and to authorize the Board of Control by and with the consent of the Governor to lease any and all of said lands owned by the State in Cherokee County for the purpose of prospecting for oil, gas and other minerals, except lands heretofore set aside to the Agricultural and Mechanical College for reforestation purposes, and declaring the action of prison commissioners heretofore deeding and leasing land to L. P. Featherstone to be void and declaring same lands to be the property of the State and setting same aside for the benefit of Rusk State Hospital, repealing all laws and parts of laws in conflict with this Act; and declaring an emergency", is hereby vetoed.

Section 5 of this Bill reads as follows:

"It is hereby declared that the action of the Board of Prison Commissioners in conveying and leasing certain lands of the Penitentiary System by deed dated March 16, 1920, to L. P. Featherstone was void for the reason that the Governor, State Comptroller and Treasurer had never determined what property owned by the State at Rusk, Texas, should be set apart to and used by Hospital as created by Chapter 198 of the Acts of the Regular Session of the Thirty-fifth Legislature and said lands so attempted to be conveyed or leased by said deed are here now declared to be the property of the State of Texas; and same are now set aside for the use and benefit of the Rusk State Hospital".

Some years ago the Prison Commission ^{old and} conveyed one hundred twenty seven (127) acres of land which formerly belonged to the State Prison System when a plant was maintained at Rusk. In this transaction the Prison Commission also leased for

iron ore development other portions of the prison properties in Cherokee County. There is a balance due the State in this transaction of something more than fifty thousand dollars (\$50,000.00), for the collection of which the Attorney General has brought suit in the District Court. The Defendants, I am advised by the Assistant Attorney General in charge of the case, are asserting that the transaction was void and are reconvening, seeking damages from the State. I understand that they ask the recovery of the money paid as the purchase price.

It appears to my mind that if this Bill is allowed to become a law, with Section 5, declaring that the transaction between the Prison Commission and L. P. Featherstone, et al, was void, that it might seriously embarrass the Attorney General's suit now pending in the District Court. I am of the opinion that the rights of the State and those adversely interested can be better determined by the Court than by disposing of the matter by this Bill. The Attorney General may be able to recover the balance due by his action. If Section 5 becomes the law it might assist the persons in recovering on their cross action. I have therefore determined to veto said Bill.

I have no objection to the other features of the Bill, but I believe that Section 5 might have the result to defeat the Attorney General's suit.

For the reasons stated I hereby veto this Bill.

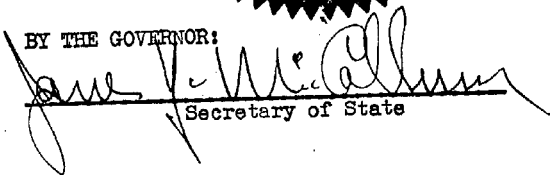

Governor of Texas

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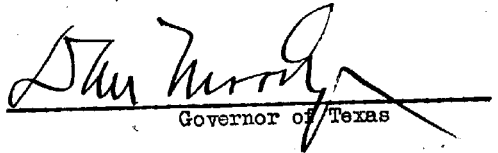
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT I, DAN MOODY, Governor of the State of Texas, under and by virtue of the authority vested in me by the Constitution and Laws of this State, have vetoed said Bill for the reasons stated and on file, and do hereby proclaim said action to have been taken.



BY THE GOVERNOR:


Secretary of State

IN TESTIMONY WHEREOF I have hereunto signed my name officially and caused the seal of State to be impressed hereon at Austin, Texas, this the 10th day of June, A. D. 1929.


Governor of Texas